

**STATE OF MICHIGAN**  
**DEPARTMENT OF CONSUMER & INDUSTRY SERVICES**  
**BEFORE THE STATE BOUNDARY COMMISSION**

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**In the matter of:**

**Boundary Commission**  
**Docket #97-AR-4**

**The proposed annexation of  
territory in Sherman Township  
to the City of Sturgis.**

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**SUMMARY OF PROCEEDINGS**  
**FINDINGS OF FACT AND CONCLUSION**

This matter of the proposed annexation of the following territory situated in Sherman Township to the City of Sturgis is described as follows:

**ALL THAT PART OF THE EAST ½ OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 36, T7S, R10W, ST. JOSEPH COUNTY, MICHIGAN, THAT IS NOT PRESENTLY WITHIN THE CORPORATE LIMITS OF THE CITY OF STURGIS, MICHIGAN.**

**CONTAINING IN ALL 5.237 ACRES.**

**SUMMARY OF PROCEEDINGS**

- A. On October 23, 1997, a petition was filed requesting the annexation of certain territory in Sherman Township to the City of Sturgis.
- B. On February 12, 1998, an adjudicative meeting was held to determine legal sufficiency and the petition was found to be legally sufficient pursuant to Public Act 191 of 1968, as amended, and Public act 279 of 1909, as amended. The Commission expanded the area to be considered for annexation. The expanded area is described as:

**ALL TERRITORY IN THE SOUTHWEST 1/4 OF SECTION 36, T7S, R10W, SHERMAN TOWNSHIP, ST. JOSEPH COUNTY, NOT CURRENTLY IN THE CITY OF STURGIS,**

**GENERALLY DESCRIBED AS A TRIANGULAR ISLAND OF TOWNSHIP TERRITORY LYING SOUTH OF MEMORIAL ROAD AND A PENINSULA OF RAILROAD RIGHT-OF-WAY.**

- C. On April 30, 1998, a public hearing was held to receive testimony given pursuant to Public Act 191 of 1968, as amended. Notice of said hearing was published and mailed pursuant to Section 8 of Public Act 191 of 1968 as amended.
- D. On August 6, 1998, an adjudicative meeting was held during which the Commission voted to postpone adjudication because the parties requested additional time to negotiate an agreement.
- E. On September 10, 1998, State Boundary Commissioners Walker and VerBurg and County Boundary Commissioner Gordon Meyer held an adjudicative meeting during which they unanimously voted to deny the petition as expanded.

**FINDINGS OF FACT**

- 1. The City filed the petition because the City Commission is trying to resolve the problem of islands throughout the City.
- 2. On August 26, 1998, the City Commission of the City of Sturgis approved an agreement for a conditional land transfer pursuant to Public Act 425 of 1984.
- 3. On September 2, 1998 the Sherman Township Board approved an agreement for a conditional land transfer pursuant to Public Act 425 of 1984.
- 4. The Act 425 Agreement was mailed to the Office of the Great Seal, Department of State on September 4, 1998.
- 5. The Act 425 Agreement includes the subject territory.
- 6. The parties request that the annexation be denied.


**THE COMMISSION FINDS THAT**

The involved parties have entered into an Act 425 Agreement for a conditional land transfer of the subject territory and have requested denial of the annexation.

**IN CONCLUSION, THE COMMISSION FINDS THAT**

1. The Commission has considered the record of this docket in accordance with the criteria stipulated under Section 9 of Public Act 191 of 1968, as amended.
2. On October 22, 1998, Commissioners Rutledge, Walker, and VerBurg held an adjudicative meeting during which the draft Findings of Fact and Conclusion was reviewed, and the Commission voted to adopt the Findings of Fact and Conclusion (as amended).

  
**Kenneth VerBurg, Chairperson**  
**State Boundary Commission**

  
**Date**

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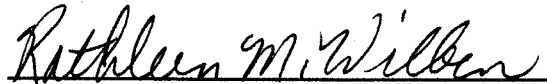
The proposed annexation of  
territory in Sherman Township  
to the City of Sturgis.

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**FINAL ORDER**

**IT IS ORDERED THAT** this order, denying the annexation of certain territory in Sherman Township to the Home Rule City of Sturgis, shall be effective 30 days after the date the Director of the Department of Consumer & Industry Services signs the order.

**IT IS FURTHER ORDERED THAT** the attached Findings of Fact and Conclusions by the State Boundary Commission are incorporated in this order and that the State Boundary Commission shall transmit a certified copy of these Findings of Fact and Conclusions to the petitioner and to the clerks of the City of Sturgis, Sherman Township, and St. Joseph County.



**Kathleen M. Wilbur, Director  
Michigan Department of Consumer & Industry Services**

12/11/98  
Date